

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY RAY DENNY, JR.,

Defendant.

CR-18-81-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 7, 2020. (Doc. 92.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 7, 2020. (Doc. 88.) The United States accused Denny of violating his conditions of supervised release 1) by committing another crime; 2) by failing to follow the instructions of

his probation officer; 3) by using methamphetamine; 4) by failing to report for substance abuse testing; 5) by failing to report to his probation officer as directed; 6) by failing to notify his probation officer of contact with law enforcement; and 7) by failing to report to substance abuse treatment. (Doc. 86.)

At the revocation hearing, Denny admitted to 1) committing another crime; 2) failing to follow the instructions of his probation officer; 3) using methamphetamine; 4) failing to report for substance abuse testing; 5) failing to report to his probation officer as directed; 6) failing to notify his probation officer of contact with law enforcement; and 7) failing to report to substance abuse treatment. (Doc. 88.) The Government moved to dismiss alleged violation 8. The Court dismissed alleged violation 8. Judge Johnston found that Denny's violations warrant revocation, and recommended that Denny be incarcerated for 5 months, with credit for time served, with 31 months of supervised release to follow with the first 60 days of supervised release at a secure inpatient substance abuse treatment facility. (Doc. 92 at 4.) Denny waived his right to allocute before the undersigned and the 14 day right to appeal. (Doc. 88.)

The violations prove serious and warrant revocation of Denny's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 92) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Larry Ray Denny, Jr. be incarcerated for a term of 5 months, with credit for time served, with 31 months of supervised release to follow with the first 60 days of supervised release at a secure inpatient substance abuse treatment facility.

DATED this 9th day of January, 2020.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris
United States District Court Judge